# Town of Shrewsbury - Board of Selectmen Richard D. Carney Municipal Office Building-Selectmen's Meeting Room 100 Maple Avenue Monday, August 13, 2007 at 6:45 PM

## **Minutes**

#### **Present:**

Bruce Card, Maurice DePalo, James McCaffrey, Moira Miller, and Daniel Morgado, Town Manager. Mr. DePalo called the meeting to order at 6:48pm.

#### Absent:

John Lebeaux

# **Preliminaries:**

- 1. Approve bills, payrolls and warrants, #0811 in the amount of \$330,279.07, and #0814 in the amount of \$2,559,814.09. Motion made, seconded and unanimously approved.
- 2. Announcements: Mr. DePalo advised that he had been asked by Art Dobson, V.P. of the Spirit of Shrewsbury Committee, to announce that the 11<sup>th</sup> Annual Spirit of Shrewsbury Fall Festival will take place on September 28, 29, & 30, 2007. Events include: Craft Fair, Expo, Family Fun Fest, Shrewsbury Idol Contest, and Car Show, all at Oak Middle School. Plus the Scarecrow Contest on the Town Common, K of C Road Race, COA Open House and the Parade. Times and places of events can be checked on the Spirit of Shrewsbury web site or through the Town web site link. Mr. DePalo added that he had stopped by the new fire headquarters construction site and was amazed at the progress. The project is due to finish ahead of schedule.

#### **Meetings:**

#### **Public Hearings:**

3. 7:00pm – Chapter 40B Development Proposals. Mr. McCaffrey recused himself from the hearing in accordance with advice he had received from Town Counsel relative to a conflict of interest as outlined in his statement at the August 6<sup>th</sup> meeting. Mr. DePalo advised that they would be talking about two proposals this evening, AvalonBay at Centech Blvd. and Fairfield Residential located between Route 9, Maple Avenue and Oak Street. The developers will be asked to briefly recap their proposals and the hearing will then proceed to questions and answers. Anyone can ask a question as long as it relates to these two projects. Those asking questions are asked to identify themselves and give their address. Those present are asked to limit themselves to one question and a follow up until everyone has had the opportunity to speak. If a member of the Board, Mr. Morgado, or the developers are unable to answer a question we will look into and have an answer next week.

Michael Roberts, vice president for development for AvalonBay, reviewed their plans for a 440 to 500 unit mixed income housing development located off Centech Blvd. This development will bring Shrewsbury to the 10% state requirement for moderate income housing. Permitting will be done under 40R. This is a residential development on residential land. Kevin Maley, vice president of Fairfield, advised that their project would be a mixed development of 335 housing units and 164,000 sq. ft. of retail and commercial space on the property between Oak Street, Maple Avenue and Route 9. This project would be part of the Lakeway District.

Mr. DePalo opened the hearing to questions from the floor. John Forbes, 11 Oak Street, speaking for the residents of Oak Street north, referred to an e-mail sent to the Board (Attachment A). This e-mail outlined their concerns about the additional traffic that would be generated by the Fairfield project and the impact on the current levels of traffic and emergency vehicles using Oak Street. Mr. Forbes was advised that these concerns would be addressed by traffic studies to be done by the developers should their project be chosen.

Darin Kalashian, 18 Mallard Circle, asked what the impact of these developments, in particular Fairfield, would be on the town's infrastructure, i.e., water supply, schools and other town services. Mr. Morgado advised that the state does not take these things into consideration as they relate to 40B. Water is regulated by the state and the town is currently under a mandate from the state regarding water consumption which is being appealed. The Board is trying to provide the best possible scenario for the town by seeking out a developer they could work with as a 40B type development is inevitable. Barbara Donahue, 100 Oak Street, expressed concerns regarding traffic at the intersection of Oak Street and Route 9. Craig Blais. executive vice president of WBDC, a direct abutter of the proposed AvalonBay project expressed concern that a residential development so close to the Centech Park which is still in the developmental stage would be detrimental to industrial development. Firms thinking of locating in the park may be put off by potential problems with residents such as noise, truck traffic, etc. Christopher Kirk, 40 Westwood Road, asked if either one of these projects could proceed without 40B. He was advised that Fairfield could proceed as that property is part of a commercial zone and Avalon could proceed with a straight residential single family development which could involve 60 single family homes. Lisa Paciello, Esq. read a statement from her clients, Drs. Lee and Angela Marcello, 110 Oak Street, into the record (Attachment B) regarding their concerns about the Fairfield Development. John Lukach, 4 Bunker Hill Road, noted that if the AvalonBay proposal would bring the town to the 10% housing level required by the state then they would be the better choice. Mr. DePalo advised that while it is true that the AvalonBay project would take us to the 10% level that will all change with the 2010 census. Mr. Morgado added at this point in the decade the 10% goal is not as attractive. Everything will change with the 2010 census. Judy Vedder, 15 Pheasant Hill Drive, expressed support for the Fairfield project which would include commercial/retail development along with residential. Gretchen Nolan, 20 Bosworth Road, asked what the time line on each of the project would be. Mr. Roberts advised that AvalonBay would be 22-26 months and Mr. Maley added that Fairfield would be 20-22 months for the commercial and industrial build out. Paula Collins, 31 Flagg Road, asked about the impact on the school system. Mr. Morgado advised that any development will have an impact on the schools. Johanna Musselman, 39 Stoneybrook Lane, asked if the mitigation packages being offered by the developers would be a criteria in who is chosen and who would decide how this money would be spent. Mr. DePalo advised that the Board will endeavor to select the best project and Town Meeting will decide how the mitigation packages will be spent. George Smith, 33 Clews Street, said he was in favor of any project that would jump start the Lakeway District and Fairfield would do just that. Kenneth Yankee, 9 Sherwood Avenue, expressed concern about the increased traffic from the two roads from Fairfield that would open on to Oak Street. Mr. DePalo advised that this impact would be part of traffic studies to be done by the developer. Jeff Olson, 10 Concord Road, asked what options are available to limit the scope of any development, could they be done on a smaller scale in more than one location. Mr. Morgado replied that they could but the problem with that approach is that the mitigation packages for smaller projects are much lower. John Lapointe, Grafton Economic Development Committee, pointed out that the development of Centech Park and AvalonBay would impact the Grafton rail station which is at parking capacity now. Residents of AvalonBay could walk to the station but probably only in good weather. Mel Gordon, Chairman of the Planning Board and member of the ZBA, asked if the 40R and 40S designations could be maintained in perpetuity and how will it be done. Mr. Morgado advised that the Board and Town Meeting will make sure that there is an iron clad agreement in place so there can be no question 20 years from now. Darin Kalashian, 18 Mallard Circle, asked what the cost would be of not pursuing any 40B project. Mr. Morgado responded that Shrewsbury will see a 40B development whether we move forward or not. The town will have no say and the state will approve. Developers will have to bring in any infrastructure necessary to support their project but as far as absorbing children into the school system, the state just assumes it will be done. They are only concerned about the housing units. Mr. DePalo advised that the Board will discuss the information received tonight, get further information from the developers and department heads before making a decision. Once a decision is made the permitting process can be done. There will have to be a special Town Meeting to approve the project. We will have to move quickly to be in a position that whatever project is chosen has a good running start before October 19th when the town's compliance certification expires. So, if a hostile project is received it can be stalled. Paula Collins, 31 Flagg Road, asked if the AvalonBay project would cause additional traffic at the intersection of Route 20 and Lake Street which will be impacted by the development going into the Edgemere Drive-in property.

Mel Gordon, Chairman of the Planning Board and member of the ZBA, advised that this project has to come back before several Boards before they can proceed to get their permits renewed. AvalonBay will not be involved in that intersection. We will know more when better information is available. Gene Buddenhagen, chairman of the Finance Committee, said that the town needs to get a definite commitment from the chosen developer to our electric and cable company. The Board was in agreement. Mr. DePalo said that tonight's hearing was to hear what residents concerns are regarding these projects but a lot more discussion is needed before any decision can be made. Mr. Morgado added that there are a lot of unknowns with both project. We cannot know every single aspect of either project and will have to work with the developer to work things out. Both contain an element of risk. Motion was made, seconded and unanimously voted to close the hearing

#### **Old Business:**

# **New Business:**

- 4. Request from School Committee Chairperson Deborah Peeples for exemption to take a position with the ELNA Collaborative. Ms. Peeples was present and advised the Board that she had been offered a part-time position as Director of the ELNA Collaborative, Inc. (Education and Leadership for a Nonviolent Age). As she is currently serving as Chair of the Shrewsbury School Committee and ELNA is funded by dues from its member school districts she contacted the State Ethics Commission to make sure that it would not be a conflict of interest for her to accept this position. The Ethics Commission has advised her that she could accept the position after filing a disclosure of financial interest with the Town Clerk and obtaining an exemption from the Board of Selectmen. She has filed the disclosure and is before the Board this evening to ask for an exemption. After a short discussion, motion was made to exempt Deborah Peeples from any financial interest in the ELNA Collaborative pursuant to G.L. c. 268A, section 20D. Motion was seconded and unanimously voted.
- 5. Act on Amended Easement Agreement for Centech. Mr. Morgado advised that there was a modification to the agreement requiring the Board's approval. Motion was made to approve and sign the amended easement agreement for Centech. Motion was seconded and unanimously voted.
- 5a. Event Cancelled Struck Catering, 130 Hamilton Street, Worcester, MA, One Day All Alcohol License for event at Hoagland-Pincus Conference Center, 222 Maple Avenue, Thursday, August 9, 2007 from 5:00pm to 10:00pm. Question on fee. Mr. DePalo explained that the event for which the license had been approved had been cancelled. The question before the Board is should the fee be charged even though the event did not take place or should the fee be waived. Motion was made, seconded and voted 3 in favor with one abstention to waive the fee.

#### **Executive Session:**

6. Collective bargaining, pending litigation and value of real property.

#### **Communications:**

Mr. DePalo advised that the Board will be meeting on Wednesday evening, August 15<sup>th</sup>, in this room to discuss what they had heard this evening. The public is invited to attend although they will not be allowed to speak.

Motion was made, seconded, and unanimously voted to adjourn at 9:32pm. On a roll call vote, Ms. Miller, yes, Mr. Card, yes, and Mr. DePalo, yes.

Respectfully submitted,

Janice C. McCoy Secretary

# Attachment A

# Oak Street North\* Residents Commentary Fairfield Development Project Proposal Shrewsbury

8/14/07 (Updated, Signers added, and text additions as of 8/13/07 public hearing)

To: Members, Shrewsbury Board of Selectmen

From: Oak Street North (of Route 9) and adjacent streets residents\*

Re: Overview- traffic concerns relating to Fairfield Development Project proposal (40B & 40R)

#### Perspective:

As Shrewsbury and Oak Street North residents, we share an appreciation for the difficult task the Town, and the Board of Selectman, Planning Board and Town Manager face concerning the MA requirements to comply with affordable housing mandates under Chapter 40 B (& 40R?) by the October deadline. At first blush, the proposal's incorporation of a commercial development component into the Shrewsbury's Route 9 Corridor Lakeway project, together with the pro-active affordable housing component to offset the State affordable housing mandate, appears a shrewd move. This project proposal also seems to provide some new town tax revenue source potential and appealing property enhancements along Route 9. The overall project's intent, therefore, seems both constructive and creative. However, the projects "mixed use" housing component presents a larger, overriding and daunting traffic impact concern for Oak Street & Maple Avenue area residents.

While many residents may be in favor of sensible business development along Route 9, Oak Street North residents could reasonably expect an exponential, permanent increase in traffic resulting from the both the proposed 335 new residential units and commercial space addition to this area. As cited in the Fairfield proposal, the "2150 daily residential trips and 12,300 daily trips due to office and retail portion of the project; and a combined 20,540 per weekend day trips on surrounding roads" represent, in our view, a dramatic, dangerous (emergency vehicle access) and impractical traffic increase to the area.

A considerable portion of this traffic *may* not seek Oak Street access. However, daily traffic impact numbers such as these, given the apparent direct development project site access to Oak Street (2 access ways onto the foot of Oak Street North, per drawings), also represent a disturbing possibility of many future traffic accidents on the steep hill at the intersection of Route 9 & Oak Street (particularly during the Winter when the hill can become very slippery).

A current Oak Street "Emergency Exit" (unpaved path to Oak Street between the Donahue and Moosey properties- extending into the woods at the top of the hill, base of Oak Street/Route 9 intersection), presents another potential danger if, in the future, the developers attempt to access and pave this path for use by residents and business customers. It would create traffic directly in front of their homes. This is very worrisome to the property owners.

Gridlock further up Oak Street and Maple Avenue can also be expected. Altogether, many believe these concerns will become major property intrusions and inconveniences and constitute real safety hazards which cannot be accurately calculated at this time.

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# Existing traffic (including emergency access) issues:

Oak Street and Sherwood Avenue residents already face considerable difficulty simply leaving and entering their driveways during school drop off and pick up hours at the Oak Middle School, Sherwood School and the Montessori Center. Imagine this traffic difficulty experienced *throughout the day* resulting from substantially greater traffic flow from this development's residents and businesses. Consider also the potential for emergency vehicle access obstruction

preventing them from reaching residents, or these schools, in event of a critical, time sensitive situation during peak traffic hours.

## Anticipated combined commercial & residential components impact on traffic:

The 335 new housing units referenced in the Fairfield development project, when combined with possible customer traffic flow from "up to three restaurants" (posed by the Fairfield project representatives during their recent presentation), and other high customer usage retail businesses, could create other major traffic obstructions. These could easily exacerbate the traffic issue well beyond the current twice daily school children drop off traffic at the Oak Middle School.

For example, consider the possibility of increased day-long traffic interruptions at the intersection of Oak Street and Maple Avenue and escalating traffic impact both Eastbound and Westbound to Route 9 along Maple Avenue (Westbound- perhaps extending back to the Town Hall/ Police Station & Senior Center, on occasion). The UMASS Medical Conference Center access would also likely be affected- creating more intersection disruption. Were a traffic light to be placed at the intersection later on, due to increased traffic volume, it is highly unlikely that traffic congestion would be reduced. Instead, it is far more likely that it would create more traffic congestion and interfere with smooth cross-town traffic flow. Currently, traffic moves freely and relatively smoothly through this intersection, along Maple Avenue and through various nearby intersecting roads.

# **Concluding comments:**

Most Oak Street residents (some of whom have resided here more than 50 years), before they purchased their homes, likely anticipated brief periods of daily traffic inconvenience during the school year. However, they could not have anticipated the major traffic impact potential resulting from a proposed major adjacent commercial and residential development. Very simply, 335 additional housing units and commercial development concentrated in this thickly settled, densely populated area appears to be well beyond the traffic absorption capability for this part of Shrewsbury.

This Oak Street/Maple Avenue traffic impact concern should also be an issue for people throughout Shrewsbury when traveling through this part of town. Parents who drop off, and pick up children at the Sherwood School, Oak Middle School and Montessori Center, school bus drivers and cross town morning and afternoon commuters, would likely experience significant added inconvenience getting to their destinations.

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As of the 8/13/07 public Board meeting, it seems the Board of Selectmen expects to reduce the number of project proposals under consideration to two (2) - including the Fairfield proposal, based on current proposal status on the prospective developers. Many Oak Street North, and intersecting Street residents, generally believe it makes better sense to place affordable housing in the proposed alternative out-lying area. Considering the alternative Avalon proposal, the developer seems prepared to proceed with a commitment with sufficient

resources to begin an affordable residential housing project there. Whether that project makes sense for the town, seems to be out of our purview.

It seems the Lakeway commercial development project along the Route 9 corridor- Oak Street North to Maple Avenue section, might still have good development commercial development potential if the site is not chosen for the affordable housing component at this time. (Excepting possible daunting infrastructure concerns, this could help the Town meet the goals for business development, and property upgrades in that part of town. In any case, Oak Street North and neighboring street residents, hope that the Board, and other appropriate departments, will carefully research and discuss traffic issues, and options with residents in this area if development projects on this scale are proposed in the future.

Thank you for your consideration of our concerns.

### Residents (Commentary participants):

M/M John Forbes (*JF-Commentary viewpoints gatherer & preparer*)\* 11 Oak Street

Dr. Peter Alizzeo, D.MD.

3 Oak Street

Barbara Donahue 100 Oak Street

Paul & Elissa Lindsay 86 Oak Street

Albert & Pauline Kinsell 83 Oak Street

M/M Brian Webb 81 Oak Street

Gerald & Elizabeth McDonald 37 Oak Street

Timothy Barrette 20 Oak Street

Eleanor R. Moosey / Doryce M. Moosey 104 Oak Street

Kenneth & Paula Yankee 9 Sherwood Avenue

Janesse Hoagland 11 Sherwood Avenue

Teresa A. Adams 104 Oak Street

Natale & Mary Santora 201 Maple Avenue

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# \* Important Notes:

This commentary survey of primarily Oak Street resident views on potential traffic impact posed by the Fairfield Development project proposal, was undertaken at the "11<sup>th</sup> hour" over the past two weeks, and as time permitted. It consisted of largely in person discussions (most with the commentary preparer). Twenty one (21) Oak Street / Sherwood Avenue/ Maple Avenue (limited number) residents during two (2) rounds of visits, and attempted visits, have been contacted and have responded as of this date. Not all residents on these streets were available for comment during the commentary survey period. Also, a number of those surveyed for opinions earlier were not available for review of this commentary, and therefore were not added to above participating residents list.

Commentary viewpoints represented an attempt to gather at least a representative sample of resident opinions, but *will likely not* include other specific concerns of individual residents relating to this project proposal. It does not attempt to speak for all residents of Oak Street/ Sherwood Avenue, or Maple Avenue and other nearby Streets who may have other concerns, and views on this project proposal.

#### Attachment B

August 13, 2007

Board of Selectmen, Town of Shrewsbury

Re: Drs. Lee and Angela Mancini of 110 Oak Street in Shrewsbury

Dear Board of Selectmen:

This office has been retained by Drs. Lee and Angela Mancini to represent their interests in the proposed Fairfield Residential development. Drs. Mancini have resided in their home on 110 Oak Street with their two young children, Faith and Cara, for the past seven years. As direct abutters of the proposed Fairfield Residential development, Lee and Angela are extremely concerned about the impact of the proposed development on the continued use and enjoyment of their property.

Drs. Lee and Angela Mancini have strong ties to the Shrewsbury community. Lee has served as the team physician for Shrewsbury High School for the past four years, and can often be seen on the sidelines during football games providing medical assistance to high school athletes. For the past three years, Lee has directed a summer strength and conditioning program for athletes at Shrewsbury High School. He was recently hired by the Shrewsbury High School's Booster Club to direct the strength and conditioning program for all high school athletes throughout the school year. In addition, Lee serves on Shrewsbury High School's Athletic Association Committee, alongside the superintendent, principal, athletic director, and interested parents of the Shrewsbury community. Lee has been very generous in his contributions to the Shrewsbury High School athletic program. He has donated strength and conditioning equipment to the school, and volunteers on a weekly basis to provide assistance to injured high school athletes. Lee is also in the process of establishing a scholarship fund through his business which will provide financial assistance to student-athletes in the Shrewsbury community going on to attend college. Angela is a physician with Child Health Associates in Shrewsbury.

The following discussion outlines specific concerns that the Mancini family would like to express to the Board of Selectmen regarding the proposed Fairfield Residential development, as well as highlights the reasons why the Town should select the AvalonBay proposal over the proposal submitted by Fairfield Residential:

- The land directly abutting the Mancini property, and upon which the apartment buildings would be constructed, is residentially zoned. It would have been realistic for abutting homeowners such as Lee and Angela Mancini to expect single-family residential homes to someday be constructed on the lot. However, given the residential zone of the land, an abutting landowner could not have anticipated that such a large scale apartment and mixed-use development complex would be constructed behind their property. The Town should select a proposal that aligns with the Town's original zoning scheme and the expectations of the abutting residential homeowners.
- As Fairfield Residential explained in its presentation, the development is being constructed on a difficult site with a steep grade and stone ledge which will necessitate much blasting and construction over the following months and years to complete the project. The excessive blasting may compromise the structural integrity of the homes of

residential abutters such as Lee and Angela Mancini. In fact, representatives from Fairfield Residential have already approached Lee and Angela to warn them about the possibility of cracks developing in the foundation of their home during the construction and blasting phase of the project. Lee and Angela are also concerned about the impact that the blasting will have on the air quality surrounding their home, as their daughter, Faith, suffers from asthma and will be adversely impacted by any excessive dust and air pollution caused by the project. In contrast to the Fairfield Residential proposal, the AvalonBay project would be constructed on a site that would not require the type of intrusive blasting that could be damaging to the homes and health of residential abutters.

- The Fairfield Residential development will create significant traffic issues for Oak Street, Maple Avenue, and the Route 9 area. Oak Street is already a busy road, caused in a large part by the traffic from the three schools that are located on the street. Since the Mancinis have resided in their home, they have witnessed at least three significant motor vehicle accidents on Oak Street. The Fairfield Residential project will further congest traffic in the area by causing an additional 14,435 weekday vehicle trips and 20,540 Saturday vehicle trips to be made to the area. In contrast, the AvalonBay project will have a minimal impact on traffic in Shrewsbury, as the project will utilize CenTech Boulevard and not an already congested and heavily trafficked street such as Oak Street, Maple Avenue, and Route 9.
- The increased noise, activity level, and intrusion that such a large mixed-use development project will generate also worries the Mancini family. The family is concerned about the prospect of the development being constantly illuminated by bright lighting, which will significantly impact the privacy and comfort level in their own home, as well as the homes of other residential abutters to the development. If the Fairfield development is constructed, the trees surrounding the Mancini's property will be removed and they will not have a significant enough border between their property and the Fairfield Residential development to retain the same sense of privacy that they have enjoyed at the property.
- The property value of the Mancini's home, as well as the homes of the other residential abutters, will likely suffer a substantial decrease if the Fairfield Residential project is approved and constructed in its current form.

In addition, the AvalonBay proposal has several significant advantages over the proposal submitted by Fairfield Residential:

- AvalonBay is in complete control of the site where it would construct the project, and
  no additional parcels or easements are necessary before construction of the project
  commences. Fairfield Residential seems to have some issues with abutting landowners
  that could complicate their commencement of the project. Additionally, the Mancini
  family has expressed concerns to us regarding a boundary issue which could pose an
  additional obstacle to Fairfield Residential's commencement of the development
  project.
- The Town will benefit from a more attractive mitigation package if the AvalonBay proposal is selected.

- The Town has also previously worked with AvalonBay in constructing a similar apartment complex located on Route 20 in Shrewsbury. The Route 20 apartment complex currently has a ninety-five percent (95%) occupancy rate, which evidences the company's effective implementation and continued management of the property. AvalonBay is familiar with the affordable housing permitting process, and assures that it can complete the project within the specified deadlines.
- The construction of the Fairfield Residential development could be delayed due to complications arising from the commercial and retail aspect of the project. There would be no such complication with the AvalonBay proposal, and the Town is therefore assured to meet their affordable housing deadline if the AvalonBay proposal is selected.
- The AvalonBay project will also offer on-site sewage treatment facilities, while the Fairfield Residential project will need to be connected to the Town's sewer system, which may create additional problems for the Town.

On a personal level, Lee and Angela would like to express to the Board the attachment they have formed with their home during the years that they have resided in it. The home is set on one acre of land and is surrounded by a wooded lot. The young family has enjoyed almost complete privacy by virtue of their house being set back at the end of a long driveway. The property has a basketball court, large swing set, and swimming pool in the backyard which has provided the Mancini children with a protected environment in which to swim, sled, and enjoy the winter and summer months. Additionally, Lee and Angela have expended significant sums in upgrading the interior of their home. They have installed granite counter tops in their two kitchens and hardwood floors throughout the entire upstairs. The separate kitchen located within the finished basement is a unique feature of the home which affords privacy to the family's visiting guests. The property also has a wonderful screened-in porch which overlooks trees and is perfect for watching the sunset in spring and summer. The unique qualities of their property will be virtually impossible to duplicate elsewhere.

The Town's approval of the Fairfield Residential project may cause the Mancini family to move out of their home and the Town of Shrewsbury altogether. The Town should select a project that has minimal impact on the lives of its homeowners, such as the Mancini family. The Mancini family would very much love to remain a part of the Shrewsbury community, and continue to reside in their home on 110 Oak Street. They have envisioned living in their home for many years to come, and sending their children to the Shrewsbury public elementary and high schools. They will continue to contribute to the Town of Shrewsbury in their capacity as physicians, with Lee being committed to serving as the team physician for Shrewsbury High School and continuing to work with the high school's student-athletes.

Enclosed please find a diagram showing the location of the Mancini's property, relative to the proposed Fairfield Residential development. Thank you for your consideration.

Sincerely,

Lisa M. Paciello

Enclosures
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